IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.34142 of 2025
and
W.M.P. Nos.38289 and 38290 of 2025

Tvl.Sri Leo Polycraftss,
Represented by its Partner,
Thiru.Murugan,
No.8/413, Gandhi Street,
Vijayanagaram,Medavakkam,
Chennai-600 100. ...Petitioner(s)

vs.

1.The Deputy State Tax Officer,
Thirumudivakkam Assessment Circle,
Integrated Commercial Taxes,
Department Building, 3rd Floor, Room No.344,
Nandanam, Chennai-600 035.

2.The Manager,
Indian Bank,
5/115, Bajanai Koil Street,
Cantonment, Pallavaram,
Chennai-600 043. ...Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order on the file of the respondent vide DRC-07 Ref.No.ZD330324191066K dated 28.03.2024 for the assessment year 2018-19 and quash the same as illegal and devoid of merits and consequently direct the respondent to remand the matter for fresh adjudication after providing an opportunity to the petitioner to submit explanation and the supporting documents as well as revocation of the blocking of access to funds from petitioner's bank current account number 6087819516 with the second respondent.

For Petitioner(s)	: Mr.T.Suresh
For Respondent(s) 1	: Mrs.R.Vasanthamala Government Advocate

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed challenging the impugned order dated 28.03.2024 relating to the assessment year 2018-19.

3. It is submitted by the learned counsel for petitioner that petitioner is engaged in the business of plastic moulded components and provides custom moulding service and is registered under the Goods and Services Tax Act, 2017. During the relevant period 2018-19, petitioner filed their returns and paid appropriate taxes. However, on verification of the returns alleged mismatch between GSTR 1 and 3B was noticed.

4. Pursuant thereto, show cause notice in DRC-01 was issued on 27.12.2023 with personal hearing on 27.01.2024, followed by three reminder notices dated 04.01.2024, 13.01.2024 and 19.01.2024 with personal hearing on 11.01.2024, 19.01.2024 and 15.02.2024. However, petitioner had not responded to any of the above notices, the impugned order was thus passed confirming the proposal. It is submitted by the learned counsel for the petitioner that neither the show cause notices nor the impugned order of assessment has been served on the petitioner by tender or sending it by RPAD, instead it had been uploaded under "additional notices and orders" tab on the GST Portal. Further, it is stated that petitioner does not have adequate computer knowledge to access GST portal and was unaware of the initiated proceedings and was thus unable to participate in the adjudication proceedings. It is submitted by the learned counsel for petitioner that if petitioner is provided with an opportunity, they would be able to explain the alleged discrepancy.

5. The learned counsel for the petitioner would place reliance upon the recent judgment of this Court in the case of ***M/s.K.Balakrishnan, Balu Cables vs. O/o. the Assistant Commissioner of GST & Central Excise in W.P.(MD)No.11924 of 2024 dated 10.06.2024,*** to submit that this court has

remanded the matter back in similar circumstances subject to payment of 25% of the disputed taxes.

6. It was further submitted that the petitioner is ready and willing to pay 25% of the disputed tax and that they may be granted one final opportunity before the adjudicating authority to put forth their objections to the proposal. It was submitted that pursuant to the impugned order of assessment, bank accounts have been attached and requests that the same may be lifted on payment of 25% of disputed taxes, to which the learned Government Advocate appearing for the 1st respondent does not have any serious objection.

7. By consent of both parties, the writ petition stands disposed of on the following terms:

a) The impugned order dated 28.03.2024 is set aside.

b) The petitioner shall deposit 25% of the disputed taxes as agreed to by both the learned counsel for the petitioner and the respondent, within a period of four weeks from the date of uploading of web copy without waiting for the receipt of the certified copy.

c) If any amount has been recovered or paid out of the disputed taxes, including by way of pre-deposit in appeal, the same would be reduced/adjusted, from/towards the 25% of disputed taxes directed to be paid. The assessing authority shall then intimate the balance amount out of 25 % of disputed taxes to be paid, if any, within a period of one week from the date of uploading of web copy without waiting for the receipt of the certified copy. The petitioner shall deposit such remaining sum within a period of three weeks from such intimation.

d) Failure to comply with the above condition viz., payment of 25% of disputed taxes within the stipulated period i.e., four weeks from the date of uploading of web copy of this order, shall result in restoration of the impugned order.

e) If there is any recovery by way of attachment of Bank account or garnishee proceedings, the same shall be lifted /withdrawn on complying with the above condition viz., payment of 25 % of the disputed taxes.

f) On complying with the above condition, the impugned order of assessment shall be treated as show cause notice and the petitioner shall submit its objections within a period of four (4) weeks from the date of compliance of the conditions relating to deposit in Clause (b) and (c) supra, along with supporting documents/material. If any such objections are filed, the same shall be considered by the respondent and orders shall be passed in accordance with law after affording a reasonable opportunity of hearing to the petitioner. It is made clear that if the above conditions viz., payment of 25% of disputed taxes is not complied or objections are not filed within the stipulated time as stated above the impugned order of assessment shall stand restored.

8. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.09.2025

Speaking (or) Non Speaking Order
Index : Yes/ No
Neutral Citation: Yes/No
mka

To:
1.The Deputy State Tax Officer,
Thirumudivakkam Assessment Circle,
Integrated Commercial Taxes,
Department Building, 3rd Floor, Room No.344,
Nandanam, Chennai-600 035.

2.The Manager,
Indian Bank,
5/115, Bajanai Koil Street,
Cantonment, Pallavaram,
Chennai-600 043.

MOHAMMED SHAFFIQ, J.

mka

W.P. No.34142 of 2025

12.09.2025